



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th Street, S.W., TW-A325

WASHINGTON, DC 20554

DA-99-1323

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Released: **July 2, 1999**

**FCC SEEKS COMMENT ON REQUEST BY SBC COMMUNICATIONS INC.
AND CELLULAR COMMUNICATIONS OF PUERTO RICO, INC.
FOR FCC CONSENT TO TRANSFER CONTROL OF LICENSES
TO SBC COMMUNICATIONS INC. AND FOR A SUBSEQUENT
INVESTMENT BY TELEFONOS DE MEXICO S.A. de C.V.**

SBC Communications Inc. ("SBC") and Cellular Communications of Puerto Rico, Inc. ("CCPR") have filed applications pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 214, 310(d), seeking Commission approval of the transfer of control to SBC of licenses and authorizations currently controlled by subsidiaries and affiliates of CCPR. As listed below, these applications pertain to licenses for cellular, fixed microwave and paging services, as well as international Section 214 authorizations.

These applications are part of a series of transactions involving SBC, CCPR and Telefonos de Mexico S.A. de C.V. ("Telmex"). Pursuant to an Agreement and Plan of Merger between SBC and CCPR, CCPR would become a subsidiary of SBC. SBC proposes to hold its investment in CCPR through SBC International, Inc. ("SBCI"), an SBC subsidiary, which has itself formed a wholly-owned subsidiary, SBC International Puerto Rico, Inc. ("SBCI-PR") to hold all of the common stock of CCPR. Following SBC's acquisition of CCPR, and pursuant to a separate agreement, Telmex would acquire fifty percent of the voting equity of SBCI-PR. The parties state that Telmex's acquisition of this interest will not constitute a transfer of control of SBCI-PR because of the existence of a Shareholders' Agreement between SBCI and Telmex that provides that actual control of SBCI-PR and the licensees will remain with SBC.

SBCI has also requested, under Section 310(b)(4) of the Communications Act, 47 U.S.C. § 310(b)(4), that the Commission approve Telmex's proposed fifty percent indirect foreign investment in CCPR's licenses and in addition allow the total indirect foreign ownership in CCPR's licenses to exceed fifty percent if the Commission deems that the shares owned by foreign shareholders of SBC should be aggregated with Telmex's 50% indirect interest in CCPR's licenses. SBCI has also notified the Commission, pursuant to Section 63.11 of the rules, 47 C.F.R. § 63.11, that, as a result of Telmex's acquisition of fifty percent ownership in the

licensees' parent, the licensees will become affiliated with Telmex within the meaning of section 63.09 of the Commission's rules, 47 C.F.R. § 63.09.

Final action will not be taken on these applications earlier than 31 days following the date of this Public Notice. *See* 47 U.S.C. § 309(b). Interested parties may file comments or petitions to deny no later than **August 2, 1999**. Oppositions to such pleadings may be filed no later than **August 12, 1999**. Replies to oppositions may be filed no later than **August 19, 1999**. All filings concerning any or all matters referenced in this Public Notice should refer to **DA 99-1323**, and reference specific file numbers of the individual applications.

The public is requested to identify clearly in their comments whether they are addressing issues related to transfer of control of licenses or matters related to foreign ownership and foreign carrier notification. Notice is hereby given that we may act on various parts of or issues raised by the applications separately.

Pursuant to 47 C.F.R. § 1.1200(a), which permits the Commission to adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires, we announce that this proceeding will be governed by **permit-but-disclose** *ex parte* procedures that are applicable to non-restricted proceedings under 47 C.F.R. § 1.1206.

SECTION 310(d) APPLICATIONS

Part 22 – Public Mobile Services

The following are applications for consent to transfer control from CCPR to SBC of Public Mobile Services authorizations held by affiliates or subsidiaries of CCPR.

<u>Licensees</u>	<u>Call Sign(s)</u>	<u>File No.</u>
CCPR of the Virgin Islands, Inc.	KNKN523	0000014408
CCPR Paging, Inc.	KNKP735 KNLM297 WWA311	0000014430
CCPR Services, Inc.	KNKA451 KNKA467 KNKA627 KNKA804 KNKN517 KNKN521 KNKN682 KNKN843 KNKQ240 KNKQ343	0000014428

	KNKQ362	
San Juan Cellular Telephone Company	KNKA785 KNKQ241	0000014432
USVI Cellular Telephone Corporation	KNKN524	0000014434

Part 101 – Fixed Microwave Services

The following are applications for consent to transfer control from CCPR to SBC of Fixed Microwave Services authorizations held by affiliates or subsidiaries of CCPR.¹

<u>Licensee</u>	<u>Call Sign</u>	<u>File No.</u>
CCPR Services, Inc.	WHB505 WHB506 WLU418 WLW688 WMJ267 WMJ268 WMJ270 WMJ751 WMJ836 WMK287 WMK468 WMK727 WMN267 WMN410 WMN411 WMN412 WMR295	9714064
San Juan Cellular Telephone Company	WMJ821 WMJ964 WMK677 WMK678 WMK679 WMK680 WMK681 WMK682 WMK684	9714063

¹ These applications also appeared on Wireless Telecommunications Weekly Public Notice, Part 101-Fixed Microwave Services, Report No. 2047, released June 29, 1999.

WMK685
WMK686
WMK955
WML265
WML361
WML362
WML384
WML603
WML608
WMN257
WMN258
WMN259
WMN627
WMN637
WMQ772
WMQ820
WMQ965
WMR271
WMR272
WMR275
WMR288
WMR385
WMR463
WMR512
WMR758
WMR802
WMR885
WMR886
WMR951
WMR952
WMR953
WMR954
WMR955
WMS294
WMS982
WMS983
WMS984
WMT290
WMT291
WMT384
WMT385
WMT430
WMT536
WMT537
WMT898
WMT899

WMV895
WMV979
WPJA586
WPJA707
WPJB296
WPJB307
WPJB308
WPJB356
WPJB357
WPJB367
WPJC220
WPJC221
WPJC357
WPJC358
WPJC685
WPJC686
WPJF794
WPJF795
WPNA647
WPNA648
WPNB414
WPNB415
WPNB564
WPNC695
WPNC696
WPNC697
WPNC726
WPNC968
WPND765
WPND766
WPND767
WPNF230
WPNF231
WPNF232
WPNG656
WPNG657
WPNG658
WPNG659
WPNG660
WPNG824
WPNG825
WPNG857
WPNG858
WPNH281
WPNH282
WPNH414

WPNL214
WPNL232
WPNL233
WPNL642
WPOS363
WPOS364
WPOS365
WPOT351

USVI Cellular Telephone Corporation

WML317
WMN453
WMN454
WMN657
WMN658
WMN659
WMS665
WMT760
WMT773
WPJA861
WPJD303
WPJF582
WPND637
WPND638
WPNG912
WPNG917
WPNG921

9714062

SECTION 214 APPLICATIONS

The following are applications for consent to transfer control from CCPR to SBC of international section 214 authorizations held by affiliates or subsidiaries of CCPR.

<u>Authorization Holder</u>	<u>Authorization Number</u>	<u>File No.</u>
CCPR Services, Inc.	ITC-94-100 ²	ITC-T/C-19990611-00361
USVI Cellular Telephone Corporation	ITC-93-128 ³	ITC-T/C-19990611-00362

² This authorization has been the subject of a pro forma transfer of control and a pro forma assignment, both of which have been approved by the Commission. See FCC File Nos. ITC-97-021(TC) and ITC-97-689-AL.

³ This authorization has been the subject of two transfers of control, both of which have been approved by the Commission. See FCC File Nos. ITC-94-219-TC and ITC-97-021(TC).

REQUEST FOR DECLARATORY RULING PURSUANT TO 47 U.S.C. § 310(b)(4)

The request of SBCI for a declaratory ruling pursuant to section 310(b)(4) of the Communications Act, as amended, 47 U.S.C. § 310(b)(4), has been assigned file no. ISP-PDR-19990611-00005.

FOREIGN CARRIER NOTIFICATION

SBCI's notification under section 63.11 of the Commission's rules, 47 C.F.R. § 63.11, has been assigned file no. FCN-NEW-19990617-00022.

GENERAL INFORMATION

The transfer of control applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, 445 Twelfth Street, S.W., TW-A325, Washington, D.C. 20554, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c). In addition, one copy of each pleading must be delivered to each of the following locations: (1) the Commission's duplicating contractor, International Transcription Services, Inc. ("ITS"), 445 – 12th Street, S.W., CY-B402, Washington, D.C. 20554; (2) Maria Ringold, Office of Public Affairs, Reference Operations Division, Wireless Telecommunications Branch, 445 – 12th Street, S.W., CY-A257, Washington, D.C. 20554; (3) Lauren H. Kravetz, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 – 12th Street, S.W., 4-A163, Washington, D.C. 20554; (4) Susan O'Connell, Telecommunications Division, International Bureau, 445 – 12th Street, S.W., 6-A847, Washington, D.C. 20554; and (5) Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 1270 Fairfield Road, Gettysburg, PA 17325.

Copies of the applications and any subsequently filed documents in this matter may be obtained from ITS. The applications and documents are also available for public inspection and copying during normal reference room hours at the following Commission offices:

Office of Public Affairs
Reference Operations Division
445 – 12th Street, S.W.
Room CY-A257
Washington, DC 20554
(Parts 22 and Part 24)

Wireless Telecommunications Bureau
(Gettysburg)
Public Reference Room
1270 Fairfield Road
Gettysburg, PA 17325
(Part 101)

For further information, contact Lauren Kravetz, Wireless Telecommunications Bureau, Commercial Wireless Division at (202) 418-7240, or Susan O'Connell, International Bureau at (202) 418-1480.

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